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Paper No.

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**MAY 12 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
John I. M. Choate	:	
Application No. 10/780,476	:	DECISION ON PETITION
Filing Date: February 16, 2004	:	PURSUANT TO
Title: APPARATUS THAT IMPROVES	:	37 C.F.R. § 1.137(B)
DISCOVERY OF CANCER MASS, AND	:	
REDUCES INFLAMMATION - ONSET OF	:	
SYMPTOMS OF CARPAL TUNNEL	:	
SYNDROME OR ARTHRITIS - TACTILE	:	
DEFICIT OF FINGERS, AND	:	
INCREASES DISCOVERY OF FOREIGN	:	
MASS IN BREAST AND OTHER SELF	:	
EXAMINATIONS	:	

This is a decision on the petition filed, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

Background

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 13, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 14, 2007. A notice of abandonment was mailed on September 12, 2007.

Procedural History

A petition pursuant to 37 C.F.R. § 1.183 was filed on April 16, 2007, which was dismissed via the mailing of a decision on August 6, 2007 for failure to include the required petition fee.

An original petition pursuant to 37 C.F.R. § 1.181 was filed on October 1, 2007, and was dismissed via the mailing of a decision on October 26, 2007. A renewed petition pursuant to 37 C.F.R. § 1.181 was filed on December 14, 2007, and was dismissed via the mailing of a decision on February 19, 2008.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on March 3, 2008, and was dismissed via the mailing of a decision on March 28, 2008.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.4(d)(2) sets forth, *in toto*:

S-signature. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section are as follows.

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and **the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./)** (emphasis added); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

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(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

37 C.F.R. § 10.18(a) sets forth, *in toto*:

For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

### ANALYSIS

Receipt of the petition fee is acknowledged.

Petitioner typed the words "Signed John Choate" at the end of this petition, and signed the attached certificate of facsimile transmission. As such, it appears that Petitioner attempted to include an electronic signature with this petition.

The electronic signature that appears on bottom of this petition was not executed properly, as it does not contain forward slash marks, as is required by 37 C.F.R. § 1.4(d)(2)(i). Due to the fact that the signature on this paper does not contain an electronic signature that can be accepted, this submission is being treated as though it was not signed.

Since the Office is treating the statement of facts as a paper that has been submitted without a signature, this submission cannot be accepted, pursuant to Rule 10.18(a). See also 37 C.F.R. § 1.4 and M.P.E.P. § 502.02.

### CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

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Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail<sup>1</sup>, hand-delivery<sup>2</sup>, or facsimile<sup>3</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>4</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>5</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.